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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,375	07/05/2001	Yevgeniy Eugene Shteyn	US018098	4295
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EXAMINER PHAN, THANH S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/900,375

Applicant(s)

SHTEYN, YEVGENIY EUGENE

Examiner

THANH S. PHAN

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hepp [US 6,449,219] in view of Nixon [US 6,033,316].

Regarding claim 1, Hepp teaches an electronic device with a timepiece having a dial face [3] simulating an analog clock [as shown in figure 1], the dial face comprising a display monitor [1], and the electronic device comprising means for generating a graphical representation of a scheduled activity [15] on the display monitor.

Hepp discloses the claimed invention except for wherein generated the graphical representation comprises a segment having a length on the dial face associated with a duration of the scheduled activity, and a location of the segment on the dial face representative of a begin time of the scheduled activity, whereby a user of the electronic device is able to intuitively determine the start and end times of a scheduled activity without reading alphanumeric characters.

Nixon teaches an electronic device comprising a display monitor for providing a graphical representation of a scheduled activity, wherein the representation comprises a

segment [14] having a length on the dial face associated with duration of the activity, wherein the segment has a graphical attribute associated with a type of the scheduled activity, wherein a location of the representation is representative of a begin time of the activity [column 9, line 65—column 10, line 4].

Since Hepp and Nixon are both from the same field of endeavor, the purpose disclosed by Nixon would have been recognized in the pertinent art of Hepp.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to adapt the teachings of Nixon with the graphical representation of Hepp for the predictable result of clearly defined and represented of the duration of an activity.

Regarding claim 3, Hepp and Nixon disclose the claimed invention. Hepp further discloses wherein the segment has a graphical attribute associated with a type of the scheduled activity [as shown in figure 1].

Regarding claim 5, Hepp and Nixon disclose the claimed invention. Hepp further discloses wherein the graphical representation is programmable [column 5, lines 33-35].

Regarding claim 7, Hepp and Nixon disclose the claimed invention. Nixon further teaches generating means generates, on the display monitor, at least a further graphical representation of a further scheduled activity [as shown in figure 9, column 12; lines 11-29].

Regarding claim 8, Hepp and Nixon disclose the claimed invention. Hepp further discloses a communication component for communicating with another electronic device [column 5, lines 64-65].

3. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hepp and Nixon as applied to claim 8 above, and further in view of Narayanaswami [US 6,477,117].

Regarding claims 9-11, Hepp and Nixon disclose the claimed invention except for wherein the communication used is a short-range communication protocol, or that the other electronic device is an electronic calendar or mobile phone. Narayanaswami teaches an electronic device wherein the communication used is a short-range communication protocol, or that the other electronic device is an electronic calendar or mobile phone [column 1, lines 5-10; column 4, lines 35-43; column 7, lines 5-9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to adapt the electronic device of Hepp and Nixon with a short-range communication feature in order to communicate with an increased number of electronic devices. By including the wireless communication feature of Narayanaswami, the electronic device may be programmed or have data inputted or transmitted from it in a greater capacity to a multitude of receiving locations, wherein those locations maybe a mobile phone or an electronic calendar.

Response to Arguments

4. Applicant's arguments filed 04/18/08 have been fully considered but they are not persuasive. The Applicant argues that "the Examiner is mis-reading the reference and/or Applicant's claims." The Examiner disagrees. The Applicant merely claims an

electronic device comprising "means for generating a graphical representation of a scheduled activity on said display monitor, wherein the generated graphical representation comprises a segment having a length on the dial face associated with a duration of the scheduled activity, and a location of the segment of the segment on the dial face representative of a begin time of the scheduled activity, whereby a user of the electronic device is able to intuitively determine the start and end times of the scheduled activity without reading alphanumeric characters" (emphasis added). The Examiner agrees with the Applicant regarding the arguments on page 6 regarding the Nixon noted segments. However, the Examiner only used the Nixon reference for its teachings of a "graphical segment" having a length on the dial face in place of the graphical representation of that of Hepp. Since Hepp and Nixon are from the same field of endeavor, it would be obvious for one of ordinary skill in the art to replace one type of graphical representation with that of another. Furthermore, one's intuitively determination of the timing device is different from one user to another. Therefore, the combination of Hepp and Nixon discloses the invention as claimed. Regarding the Narayanaswami reference, the arguments are rendered obvious by the above responses.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH S. PHAN whose telephone number is (571)272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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